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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

EXAMINER

CHOJNACKI, MELLISSA M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/813,868
Filing Date: March 30, 2004
Appellant(s): SPRING ET AL.

Samuel S. Lee
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 3, 2008 appealing from the Office action mailed November 2, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0194195	Fenton et al.	12-2002
2004/0230636	Masuoka et al.	11-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12, 15-19, 21, 23-25, 28-45, and 47-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenton et al. (U.S. Patent Application Publication No. US 2002/0194195).

As to claim 1, Fenton et al. teaches a media publishing system, comprising:
a network interface to connect the media publishing system to a user (See paragraph 0056);

a plurality of rich media publishing (RMP) RMP templates grouped into categories (See abstract; paragraph 0003; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125); and

a data storage providing a file system to the plurality of web services, where the file system provides access to media items (See paragraph 0066; paragraph 0089),

storage in which project code used to present the media project to the user is stored (See paragraph 0066; paragraph 0089);

wherein the RMP template includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in the same category are configured to match, and remain unchanged when a RMP template in the same category is switched for another RMP template in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

As to claim 2, Fenton et al. teaches a plurality of network servers linked together in a local network to provide an application programming environment for the plurality of web services (See abstract; paragraph 0010; paragraph 0041).

As to claim 3, Fenton et al. teaches wherein the application programming environment includes a rich media publishing platform (See abstract; paragraph 0040-0041; paragraph 0045; paragraph 0054; paragraph 0066; paragraph 0086; paragraph 0089; paragraph 0117; paragraph 0149).

As to claim 4, Fenton et al. teaches wherein the a rich media publishing platform includes a member publishing service, a repository, a repository filters, and an administrative service (See abstract; paragraph 0040-0041; paragraph 0045; paragraph 0054; paragraph 0066; paragraph 0086; paragraph 0089; paragraph 0117; paragraph 0149).

As to claim 5, Fenton et al. teaches wherein the application programming environment includes a create-once-render-everywhere (CORE) platform (See paragraph 0050; paragraph 0075; paragraph 0078; paragraph 0082-0087; paragraph 151)

As to claim 6, Fenton et al. teaches wherein the CORE platform includes a rendering service, a user interface management service, a publishing service, and a content management service (See paragraph 0050; paragraph 0056; paragraph 0075; paragraph 0078; paragraph 0082-0087; paragraph 151)

As to claim 7, Fenton et al. teaches wherein the application programming environment includes a content distribution platform (See abstract; paragraph 0003; paragraph 009-016).

As to claim 8, Fenton et al. teaches wherein the content distribution platform includes an identity service and a commerce service (See paragraph 0045; paragraph 0054; paragraph 0086).

As to claim 9, Fenton et al. teaches a producer system including at least one development application to build and support the plurality of web services, the producer system running on the application programming environment (See abstract; paragraph 0017; paragraph 0054).

As to claim 10, Fenton et al. teaches a client system to enable the user to access the plurality of web services, the client system including at least one user interface application (See abstract; paragraph 0003; paragraph 009-016; paragraph 0056).

As to claims 11 and 24, Fenton et al. teaches wherein the at least one user interface application includes a web browser (See paragraph 0017).

As to claims 12 and 25, Fenton et al. teaches a local storage to store some of the media items to be used to build the media project (See paragraph 0066; paragraph 0089).

As to claim 15, Fenton et al. teaches wherein the network interface connects to a wide-area network (See paragraph 0041; paragraph 0053; paragraph 0056; paragraph 0148).

As to claim 16, Fenton et al. teaches a support system including at least one support application to support at least one of the plurality of web services (See paragraph 0041; paragraph 0054).

As to claim 17, Fenton et al. teaches wherein the at least one support application includes a maintenance application and a customer service application (See paragraph 0041; paragraph 0054).

As to claim 18, Fenton et al. teaches wherein the media items include background image, background video, background music, animations, slide shows, sounds, and controls (See paragraph 0039; paragraph 0124-0125).

As to claim 19, Fenton et al. teaches wherein the plurality of web services includes a markup language code for the media project, the code including links to media items stored in the data storage (See paragraph 0054; paragraph 0066).

As to claim 21, Fenton et al. teaches wherein the aspect includes background color or font characteristics (See paragraph 0121; paragraph 0124-0125).

As to claim 23, Fenton et al. teaches a client system for accessing and utilizing a media publishing system (See abstract), comprising:

a network interface to connect a user to the media publishing system (See paragraph 0056); and

at least one user interface application for building, publishing, and accessing a media project using RMP templates of media items grouped into categories (See abstract; paragraph 0003; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125),

wherein the RMP template of media items includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are configured to match and remain unchanged when a RMP template in the same category is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

As to claim 28, Fenton et al. teaches a code publishing service to download a project code to execute the media project from the client system (See paragraph 0117; paragraph 0149; paragraph 0151).

As to claim 29, Fenton et al. teaches a method of building, publishing, and accessing a media project (See abstract), comprising:

selecting a category of the media project (See abstract; paragraph 0003; 0125paragraph 0040; paragraph 0049; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125);

selecting a first RMP template of media items from the category, the first RMP template including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement (See paragraph 0128-0134); and

selecting and arranging the media items in the each media slot (See paragraph 0128-0134),

wherein the RMP template of media items includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are configured to match and remain unchanged when a RMP template in the same category is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

As to claims 30 and 49, Fenton et al. teaches selecting publication parameters (See abstract; paragraph 0045-0046; paragraph 0054); and storing the media project (See paragraph 0066; paragraph 0089).

As to claim 31, Fenton et al. teaches wherein the publication parameters include a media project name (See paragraph 0089, where “project name” is read on “title”; paragraph 0111; paragraph 0121).

As to claim 32, Fenton et al. teaches wherein the publication parameters include a publication level, which indicates a range of users that will have access to the media project (See abstract; paragraph 0045-0046; paragraph 0054).

As to claim 33, Fenton et al. teaches wherein the publication parameters include a security level, which restricts access within the publication level (See abstract; paragraph 0045-0046; paragraph 0054).

As to claim 34, Fenton et al. teaches wherein the publication parameters include a method of announcement of the stored media project (See paragraph 0111; paragraph 0121).

As to claim 35, Fenton et al. teaches downloading a project code to execute the media project (See paragraph 0117; paragraph 0149; paragraph 0151).

As to claim 36, Fenton et al. teaches wherein the project code includes layout information and features of the media project stored as requests in the project code, such that changes made to RMP templates for one media project are reflected in other media projects (See paragraph 0128-0134).

As to claim 37, Fenton et al. teaches wherein selecting and arranging the media items in the each media slot includes importing media items transparently to a user (See paragraph 0128-0134).

As to claim 38, Fenton et al. teaches wherein selecting and arranging the media items in the each media slot includes selecting the media items from a list, wherein the list includes media items distributed among multiple physical locations (See paragraph 0129-0134).

As to claim 39, Fenton et al. teaches wherein selecting a first RMP template of media items includes changing the first RMP template to a second RMP template within the same category while maintaining all the media items in the first RMP template (See paragraph 0129-0134).

As to claim 40, Fenton et al. teaches wherein the each media slot includes a genre and a target format (See paragraph 0129-0134).

As to claim 41, Fenton et al. teaches wherein the genre indicates a type of media item that can be assigned to the each media slot (See paragraph 0129-0134).

As to claim 42, Fenton et al. teaches wherein the genre is image, video, audio, or animation (See paragraph 0039; paragraph 0124-0125).

As to claim 43, Fenton et al. teaches wherein the target format indicates a format in which the template causes the media item to be requested when the media item for the each media slot is to be presented (See paragraph 0114; paragraph 0119; paragraph 0124; paragraph 0141).

As to claim 44, Fenton et al. teaches wherein the target format is a JPG, GIF, bitmap, or other related format (See paragraph 0114; paragraph 0119; paragraph 0124; paragraph 0141).

As to claim 45, Fenton et al. teaches wherein selecting and arranging the media items includes selecting a specific format of each media item, wherein the specific format can be different than the target format specified for the media slot of the each media item (See paragraph 0114; paragraph 0119; paragraph 0124; paragraph 0141).

As to claim 47, Fenton et al. teaches a method of providing a media publishing service (See abstract), comprising:

connecting the media publishing service to a user; building, publishing, and accessing a media project using RMP templates, the RMP templates grouped into categories, each RMP template of a same category providing a different RMP framework and having the same media item slots (See abstract; paragraph 0003; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125); and

using a file system to upload, store, and access the media items (See abstract; paragraph 0040-0041; paragraph 0045; paragraph 0054; paragraph 0066; paragraph 0086; paragraph 0089; paragraph 0117; paragraph 0149), wherein the RMP template includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are configured to match and remain unchanged when a RMP template in the same category is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

As to claim 48, Fenton et al. teaches a computer program, stored in a tangible storage medium, the program comprising executable instructions that cause a computer to:

select a category (See abstract; paragraph 0003; 0125paragraph 0040; paragraph 0049; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125);

select a template of media items from the category, the template of including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement (See abstract; paragraph 0003; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125); and

select and arranging the media items in the each media slot (See paragraph 0124-0125), wherein the template of media items includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are configured to match and remain unchanged when a RMP template in the same category is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

As to claim 50, Fenton et al. teaches a media publishing system (See abstract), comprising:

a means for connecting the media publishing system to a user (See abstract; paragraph 0056);

a means for building, publishing, and accessing a media project using RMP templates grouped into categories, each RMP template of a same category providing a different RMP framework and having the same media item slots (See abstract; paragraph 0003; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125); and

a means for providing a file system to the means for building, publishing, and accessing, wherein the file system provides access to media items (See paragraph 0089-0090), wherein the template of media items includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are configured to match and remain unchanged when a RMP template in the same category is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

As to claim 51, Fenton et al. teaches a client system for accessing and utilizing a media publishing system (See abstract), comprising:

a means for connecting a user to the media publishing system (See abstract; paragraph 0056); and

a means building, publishing, and accessing a media project using RMP templates grouped into categories (See abstract; paragraph 0003; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125), wherein the template of media items includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are configured to match and remain unchanged when a RMP template in the same category is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

As to claim 52, Fenton et al. teaches a media publishing system (See abstract), comprising:

a means for selecting a category (See abstract; paragraph 0003; 0125paragraph 0040; paragraph 0049; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125);

a means for selecting a template of media items from the category, the template of media items including a plurality of media slots, each media slot capable of receiving media items in a particular arrangement (See abstract; paragraph 0003; paragraph 0050-0051, where “categories” is read on “asset packs”; paragraph 0124-0125; paragraph 0128-0134); and

a means for selecting and arranging the media items in the each media slot (See paragraph 0128-0134), wherein the template of media items includes settable features, which controls an aspect of presenting the media project (See paragraph 0118; paragraph 0121; paragraph 0124-0125), and

wherein the settable features for RMP templates in a same category are configured to match and remain unchanged when a RMP template in the same category is switched for another RMP in the same category (See paragraph 0124-0125);

wherein media items assigned to the media item slots of the one RMP template remain unchanged when the one RMP template is replaced by said another RMP template in the same category (See paragraph 0124-0125).

Claims 13-14, 26-27 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton et al. (U.S. Patent Application Publication No. US 2002/0194195) in view of Masuoka et al. (U.S. Patent Application Publication No. US 2004/0230636).

As to claims 13 and 26, Fenton et al. does not teach a web folder configured as a folder on the web browser.

Masuoka et al. teaches task computing (See abstract), in which he teaches a web folder configured as a folder on the web browser (See paragraph 0609; paragraph 0634; paragraph 0638).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fenton et al., to include a web folder configured as a folder on the web browser.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fenton et al., by the teachings of Masuoka et al. because a web folder configured as a folder on the web browser would allow the user to store the media content items in a user storage area, manage the media content items within the user storage area, share media content items with other users, and configure and manage user showcase pages to display the user's media content items (See Fenton et al., paragraph 0017).

As to claims 14 and 27, Fenton et al. as modified, teaches an upload control tool to enable uploading of the media items stored in the local storage to the data storage by dragging and dropping the media items directly into the web folder (See Fenton et al. , paragraph 0040-0041).

As to claim 46, Fenton et al. as modified, teaches wherein the category includes albums, journals, scrapbooks, music players, e-cards, and games (See Masuoka et al., paragraph 022).

(10) Response to Argument

In response to applicants' arguments regarding "***There are at least two faulty assertions made by the Examiner in characterizing the present claims with respect to Fenton: (a) Fenton's asset packs read on categories of templates; (b) Fenton discloses that the settable features of one template in same category are configured to match and remain unchanged when that template is replaced by another template in the same category; and that the media items assigned to the media item slots of that template remain unchanged when that template is replaced by another template in the same category,***" the arguments have been fully considered but are not found to be persuasive, because discloses a user being able to create a "homepage" wherein the user can chose from several different tools, media content, "predefined templates" etc..(See abstract; paragraphs 0073-0077; paragraphs 0118-0121; paragraphs 0124-0129). According to the present applications Figures 2A, 2B, and 8A-8B disclose the template as elements 200, 250, 800 and 810 which is the same as Figure 2, element 200 of the Fenton et al. The claim language does not disclose how the templates or categories are defined and therefore the examiner is taking the broadest reasonable interpretation that the RMP templates are the same as the homepage, which is disclosed by Fenton et al. and the different genre's that can be selected are the categories. The Homepage of Fenton et al. contains media content grouped into different categories (genre) such as action, drama, music etc. (See Fig. 2, element 204; paragraphs 0063-0064), which when applied, present different

presentation framework just as the present applications RMP templates. The Homepage also, has "Settable features" or tools (See Fig. 2, element 222). These settable features/tools do not change if a different genre is selected (i.e. action, drama, music etc.) (See paragraph 0040; paragraphs 0042-0045; paragraph 0050; paragraphs 0124-0129). Therefore, it is the examiners belief that the claim language as disclosed does not distinguish the present application from the prior art of record.

In response to applicants' arguments regarding that Fenton et al. ***"does not teach or suggest categories of templates and seamless transitions between the templates of a category in which assignments of user-selected media items are preserved. That is, Fenton does not disclose: (1) that the settable features of one template in same category are configured to match and remain unchanged when that template is replaced by another template in the same category; and (2) that the media items assigned to the media item slots of that template remain unchanged when that template is replaced by another template in the same category,"*** the arguments have been fully considered but are not found to be persuasive, because the claim language does not disclose or mention a "seamless transitions", however, Fenton et al. does disclose and show in Figure 2, element 222; Figure 4, element 422; Figure 5, element 522 that the tools/settable features remain unchanged and the Paragraphs 0040-0050 disclose how the tools can be accessed for all the homepages/templates. In other words no matter how many different homepages/templates are opened the settable features/tools that are available will always be the same.

In response to applicants' arguments regarding ***"these genres of digital media (i. e., "asset packs") as disclosed by Fenton therefore correspond to types of "media items." They do not correspond, however, to "categories" of RMP "templates" which provide instead presentation frameworks for media items. Characterizing Fenton's "asset packs" to the "categories" related to RMP templates in the present invention is thus incorrect,***" the arguments have been fully considered but are not found to be persuasive, because that the RMP templates are the same as the homepage, which is disclosed by Fenton et al. and the different genre's that can be selected are the categories (See Figure 2, element 200; paragraph 0040; paragraphs 0042-0045; paragraph 0050; paragraphs 0124-0129).

In response to applicants' arguments regarding ***"The Examiner's assertion that Fenton discloses that the settable features of one template in same category are configured to match and remain unchanged when that template is replaced by another template in the same category; and that the media items assigned to the media item slots of that template remain unchanged when that template is replaced by another template in the same category is not supported by the disclosure of Fenton,"*** the arguments have been fully considered but are not found to be persuasive, because Fenton et al. does disclose and show in Figure 2, element 222; Figure 4, element 422; Figure 5, element 522 that the tools/settable features remain unchanged and the Paragraphs 0040-0050 disclose how the tools can be accessed for all the homepages/templates. In other words no matter how many different

homepages/templates are opened the settable features/tools that are available will always be the same.

In response to applicants' arguments regarding "***Fenton, while disclosing a pre-defined template that defines the format of a user's showcase page for which a user can specify an attribute such as a background color, fails teach or suggest categories of templates and seamless transitions between the templates of a category in which assignments of user-selected media items are preserved,***" the arguments have been fully considered but are not found to be persuasive, because Fenton et al. discloses different genre's that can be selected which are the categories (See Figure 2, element 200; paragraph 0040; paragraphs 0042-0045; paragraph 0050; paragraphs 0124-0129).

In response to applicants' arguments regarding "***None of the Fenton paragraphs cited seem to teach or suggest providing multi-renderer multi-language programming environment,***" the arguments have been fully considered but are not found to be persuasive, because Fenton et al. discloses the user being able to create and download media file and electronic information from the web and the creativity platform of the website itself suggests a multi programming environment, since a user is able to download lots of additional tools and media content (See paragraphs 0058-0060; paragraphs 0148-0152).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2164

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mellissa M. Chojnacki

/Mellissa M. Chojnacki/

Conferees:

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

/Pierre M. Vital/

Supervisory Patent Examiner, Art Unit 2169